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BRONX DISTRICT ATTORNEY DARCEL D. CLARK STATEMENT TO CITY COUNCIL COMMITTEES ON PUBLIC SAFETY

As legalization of marijuana approaches a reality in our state, I and my fellow prosecutors have worked to reform our criminal justice system, including reducing the harmful impacts that the criminalization of marijuana has had on individuals. At the same time, we must maintain public safety. This requires balancing the arc of justice while ensuring the rule of law.

I am mindful of the disproportionate impact of marijuana arrests on young people of color in the Bronx. In the fourth quarter of 2018 alone, approximately 90 percent of individuals arrested for marijuana possession in the Bronx were either Black or Hispanic.

As such, until a change in the Penal Law occurs, when an arrest is made for marijuana possession and burning cases, I have instructed Assistant District Attorneys in my Office to decline to prosecute the arrest when only a marijuana charge appears on the complaint, and then direct the police officer to issue a summons.

This policy carefully weighs the public safety concerns with the realization that far too often these prosecutions create undue obstacles on individuals and the community as whole.

When legalization occurs, I stand ready to work with all stakeholders –my fellow district attorneys, the City Council, the Mayor, and others – on successful implementation of legislation such as those pending before the City Council and expunging past misdemeanor marijuana convictions. This helps us move forward by improving public safety, reducing collateral consequences, and creating a fairer and more equitable criminal justice system.